

Application No. 09/851,514  
Response to OA of 10/12/2004

### Remarks

In the present response, five claims (1, 4, 11, 17, 19) are amended; and one claim (3) is canceled. Claims 1-2 and 4-20 are presented for examination. Applicants believe that no new matter is entered.

#### I. Claim Rejections: 35 USC § 101

Claims 1-20 are rejected under 35 USC § 101 because the claimed invention is directed to non-statutory subject matter.

Applicants amend independent claims 1 and 17 to recite a "computer implemented method" and claim 11 to recite a "computer system ... comprising: a server coupled to a database...." Applicants submit that these claims comply with the U.S. PTO's *Guidelines for Computer Related Inventions*. Applicants respectfully request withdrawal of this rejection.

#### II. Claim Rejections: 35 USC § 102

Claims 11, 12, 13, 16 are rejected under 35 USC § 102 as being anticipated by USPN 5,848,396 (Gerace). This rejection is traversed.

A proper rejection of a claim under 35 U.S.C. §102 requires that a single prior art reference disclose each element of the claim. See MPEP § 2131, also, *W.L. Gore & Assoc., Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 U.S.P.Q. 303, 313 (Fed. Cir. 1983). Since Gerace neither teaches nor suggests each element in claims 11, 12, 13, 16, these claims are allowable over Gerace.

#### Claim 11

Independent claim 11 recites numerous recitations that are not taught or suggested in Gerace. For example, claim 11 recites (emphasis added):

wherein the server includes an optimization engine ... to detect and automatically address **inconsistencies and contradictions with the management information** in achieving said business objectives and business constraints.

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Nowhere does Gerace teach or suggest the noted recitation. The Office Action cited at least 10 different locations in Gerace (see OA at p. 6). Applicants reviewed these cited locations. Gerace does not teach or suggest that the optimization engine detects and automatically addresses **inconsistencies and contradictions with the management information** in achieving business objectives and business constraints.

For at least these reasons, Gerace does not teach or suggest all of the recitations in claim 11. A dependent claim inherits the recitations of an independent claim. Thus, for at least the reasons given in connection with independent claim 11, dependent claims 12, 13, 16 are allowable over Gerace.

### **III. Claim Rejections: 35 USC § 103**

Claims 1-10, 14, 15, 17-20 are rejected under 35 USC § 103(a) as being unpatentable over Gerace in view of USPN 5,687,322 (Deaton). Applicants respectfully traverse.

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art cited must teach or suggest all the claim limitations. See M.P.E.P. § 2143. Applicants assert that the rejection does not satisfy these criteria.

#### **Claim 1**

Claim 1 recites numerous recitations that are not taught or suggested in Gerace in view of Deaton. For example, claim 1 recites (emphasis added):

said campaign plan being defined to automatically detecting **contradictions** between said constraints and other aspects of said entered management information, automatically identifying resolutions to said contradictions, and implementing said resolutions in said campaign plan.

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Nowhere do Gerace and/or Deaton teach or suggest the noted recitation. The Office Action cites several locations in Gerace (see OA at p. 10: Col. 19, lines 15-32; Col. 15, lines 10-15; and Col. 15, lines 29-35). Applicants reviewed these cited locations and respectfully disagree. Gerace does not teach or suggest that the campaign plan automatically detects **contradictions** between constraints and other aspects of the entered management information. Furthermore, the claim recites automatically identifying resolutions to the contradictions and implementing the resolutions. None of these recitations are taught or suggested in Gerace and/or Deaton.

For at least these reasons, Gerace in view of Deaton does not teach or suggest all of the recitations in claim 1. A dependent claim inherits the recitations of an independent claim. Thus, for at least the reasons given in connection with independent claim 1, all dependent claims are allowable over Gerace in view of Deaton.

#### Claim 17

Claim 17 recites numerous recitations that are not taught or suggested in Gerace in view of Deaton. For example, claim 17 recites (emphasis added):

computing, with the computer, a campaign plan ... automatically detecting and addressing **contradictions** among said objectives.

Nowhere do Gerace and/or Deaton teach or suggest the noted recitation. The Office Action cites several locations in Gerace (see OA at p. 9: Col. 15, lines 10-15; and Col. 15, lines 29-35). Applicants reviewed these cited locations and respectfully disagree. Gerace does not teach or suggest that the campaign plan automatically detects and addresses **contradictions** among the objectives. None of these recitations are taught or suggested in Gerace and/or Deaton.

For at least these reasons, Gerace in view of Deaton does not teach or suggest all of the recitations in claim 17. A dependent claim inherits the recitations of an independent claim. Thus, for at least the reasons given in connection with independent claim 17, all dependent claims are allowable over Gerace in view of Deaton.

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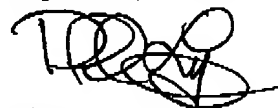
### CONCLUSION

In view of the above, Applicants believe all pending claims are in condition for allowance. Allowance of these claims is respectfully requested.

Any inquiry regarding this Amendment and Response should be directed to Philip S. Lyren at Telephone No. (281) 514-8236, Facsimile No. (281) 514-8332. In addition, all correspondence should continue to be directed to the following address:

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#### CERTIFICATE UNDER 37 C.F.R. 1.8

The undersigned hereby certifies that this paper or papers, as described herein, is being transmitted to the United States Patent and Trademark Office facsimile number 703-872-9306 on this 12th day of January, 2005.

By

Name: Bc Henry

